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		TRAN, QUOC A		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/559,313

Applicant(s)

KRIEGER ET AL

Examiner

Quoc A. Tran

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10/559,313.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF-08)
- Paper No(s)/Mail Date 12/01/2005

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is a Non Final Office Action in response to the Patent Application filed 12/01/2005, which claims priority of PCT/US04/22200, which claims priority from provisional No. 60/485,472, filed **07/08/2003**. Claims 1-19 are pending. Claims 1, 5, 8, 14 and 17 are independent claims, (by US LYNX).

Information Disclosure Statement

A signed and dated copy of applicant's IDS, which were filed on 12/01/2005, is attached to this Office Action.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 8-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 8-13:

In summary, Claim 8 recites "A *version control*" comprising a "*number of components*" having content associated therewith.

The invention recited in Claim 8 is nonstatutory because the "*version control*" is software *per se* (see the current disclosure at page 11 lines 24-25);

The recited "*version control*" is computer software *per se* in that the "*number of components*" having content associated therewith are simply a computer program.

Thus, the recited "*version control*" of Claim 8 is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101.

Accordingly, Claim 8 fails to recite statutory subject matter under 35 U.S.C. 101.

Claims 9-13 merely recite either additional component s having content associated therewith. Accordingly, Claims 9-12 fail to recite statutory subject matter under 35 U.S.C. 101.

Claims 14-16:

In summary, Claim 14 recites "A *structure bar*" describing "*a conceptual and organizational structure*" of a document having plurality of components.

The invention recited in Claim 14 is nonstatutory because the "*structure bar*" describing "*a conceptual and organizational structure*" of a document having plurality of components is software *per se* (see the current disclosure at page 16 line 18 and figure 20 item 20);

The recited "*structure bar*" is computer software *per se* in that describing "*a conceptual and organizational structure*" of a document having plurality of components is simply a computer program. Thus, the recited "*structure bar*" of Claim 14 is not a

"process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101.

Accordingly, Claim 14 fails to recite statutory subject matter under 35 U.S.C. 101.

Claims 15-16 merely recite additional structure rules, syntax and components having content associated therewith. Accordingly, Claims 15-16 fail to recite statutory subject matter under 35 U.S.C. 101.

Claims 17-19:

In summary, Claim 17 recites "*A virtual structure document*" comprising plurality of elements, structure rules for deployment a specific data or business processes.

The invention recited in Claim 17 is nonstatutory because the "*A virtual structure document*" is computer software *per se* in that comprising plurality of elements, structure rules for deployment a specific data or business processes is simply a computer program (see the current disclosure at page 2 lines 8-10);

Thus, the recited "*A virtual structure document*" of Claim 17 is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C. 101.

Accordingly, Claim 14 fails to recite statutory subject matter under 35 U.S.C. 101.

Claims 18-19 merely recite additional elements, structure rules for deployment a specific data or business processes is simply a computer program. Accordingly, Claims 18-19 fail to recite statutory subject matter under 35 U.S.C. 101.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 10-13 and 17-19 are rejected under 35 U.S.C. 102(b) as clearly anticipated by **Reulein et al.**, (US 20040205656A1- filed 01/30/2002) [hereinafter “Reulein”].

Regarding independent claim 1, Reulein teaches:

An automated document publishing system,

(At figure 1 and the Abstract and at page 2 paragraph 24 → Reulein discloses this limitation, as clearly indicated in the cited text [e.g., automatic creating and publishing document system is provided.])

comprising: a user interface for managing a document;

(At figure 1 and at page 2 paragraphs 25→ Reulein discloses this limitation, as clearly indicated in the cited text [e.g., the automatic creating and publishing document system includes a user interface.])

a memory having data stored thereon, said data including at least one of a content library, structural rules, deployment specific data, or deployment specific business processes;

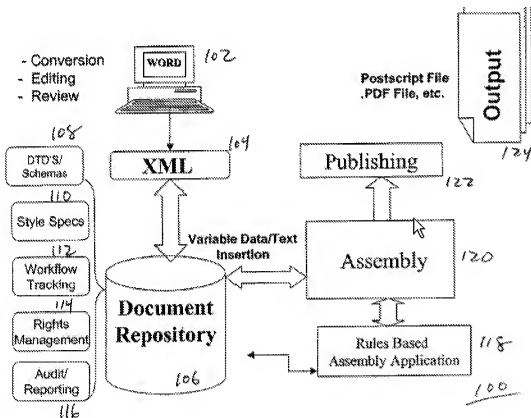
(At figure 1 and at page 2 paragraphs 25→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., the automatic creating and publishing document system includes a document repository (e.g., a content library, memory).])

a processor for automatically assembling an active edition of the document based on said data stored in said memory;

(At figure 1 and at page 2 paragraphs 26→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., a word processor for automatically assembling an active edition of the document based on said data stored in said memory]).

whereby a proof of said document is generated from said active edition; and whereby said document is published when said proof is approved

(At figure 4 and at page 4 paragraphs 40→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., an authoring process wherein users (authors) edit existing or create new documents or components through a browser based interface. Also Reulein further discloses the publishing unit 122 publishes the completed document as a file 124 in a user specified format [PDF or HTML] for publication on one or more output media including printed on paper, fixed on a reusable computer media (e.g., CDROM) or as a web viewable file (see Reulein at page 2 para 24.) ["a proof is a static representation of the Active Edition at a point in time, such as typeset pages in a portable format like PDF, an HTML file, etc".- see the current disclosure at page 20 lines 4-5].)



Regarding independent claim 5, Reulein teaches:

A method for automatically publishing,

(At figure 1 the Abstract and at page 2 paragraph 24→ Reulein discloses this limitation, as clearly indicated in the cited text [e.g., Reulein discloses an automatic creating and publishing document system.])

comprising the steps of: assembling an active edition of said document from at least one of a content library, structural rules, deployment specific data, or deployment specific business processes; editing said active edition using a user interface; generating a proof from said active edition; reviewing said proof; and publishing said proof.;

(At figure 1 and at page 2 paragraphs 25→ Reulein discloses this limitation, as clearly indicated in the cited text [e.g., the automatic creating and publishing document system includes a user interface, a document repository] Also Reulein further discloses an authoring process wherein users (authors) edit existing or create new documents or components through a browser based interface (see Reulein at figure 4 and at page 4 paragraphs 40). Also Reulein further discloses the publishing unit 122 publishes the completed document as a file 124 in a user specified format for publication on one or more output media including printed on paper, fixed on a reusable computer media (e.g., CDROM) or as a web viewable file (see Reulein at page 2 para 24.)

Regarding independent claim 8, Reulein teaches:

A version controlled content library comprising a number of components having content associated therewith, wherein each of said number of components has a number of versions associated therewith.

(At figure 1 and at page 2 paragraphs 25→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., the automatic creating and publishing document system includes a document repository (e.g., a content library).] Also Reulein further discloses the system provides a graphical representation. The graphical presentation includes the audit trail among other things, and contains a list of prior versions for each component accompanied by the name of each user making corresponding edits and date information, e.g., the time/date of each edit (version control) (See Reulein at page 4 para 40.)

Regarding independent claim 17, Reulein teaches:

A virtual structured document comprising: structural elements for building a structure for said virtual structured document;

(At figure 1 and at page 2 paragraphs 23→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., published documents and XML document components are stored in one or more repositories 106 for subsequent retrieval. The repositories 106 also maintain document type definitions (DTDs) 108, workflow tracking data 112, rights management information 114 and audit/reporting data 116. (See the

current disclosure at page 2 lines 8-10, which is stated a virtual structured document is XML document)

and content elements for defining locations in said virtual structured document to place pointers to components residing in a content library, whereby said virtual structured document is assembled based on at least one of structural roles, deployment specific data, or deployment specific business processes..

(At figure 1 and at page 2 paragraphs 23→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., published documents and XML document components are stored in one or more repositories 106 [content library] for subsequent retrieval. The repositories 106 also maintain document type definitions (DTDs) 108, workflow tracking data 112, rights management information 114 and audit/reporting data 116. A rules configuration unit 118 builds rules blocks which contain the instructions necessary to assemble and customize document components into a complete XML document [structural roles]).

Claim 2,

Reulein teaches the method of claim 1 and further comprises:

wherein content in said content library is arranged as a plurality of components, said plurality of components being enabled to be shared by a number of documents.

(At figure 1 and at page 2 paragraphs 23→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., published documents and XML document components are stored in one or more repositories 106 [content library] for subsequent retrieval.) Also Reulein further discloses the document components are stored in the repository 106 for document assembly. Also, using the system user interface, an author can recall and re-edit a previously stored document components and creating one or more documents (see Reulein at page 3 paragraph 33).)

Claim 3,

Reulein teaches the method of claim 1 and further comprises:

wherein said document is a structured document comprising a number of elements, each element providing structural information or referring to a component stored in said content library.

(At figure 1 and at page 2 paragraphs 23→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., published documents and XML document components are stored in one or more repositories 106 [content library] for subsequent retrieval.] Also Reulein further discloses the documents for a particular entity or condition (elements), managing document components, (e.g., sections of document text or graphics) that are utilized as a part of hundreds or thousands of different document types within an organization, making certain that output for various media (i.e., paper, CD, Internet, etc.) is consistent with regard to content and styling ("look and feel") for all

documents produced by the enterprise and archiving these documents for audit and retrieval purposes (see Reulein at paragraph 5).)

Claim 4,

Reulein teaches the method of claim 1 and further comprises:

an issue generator for generating a number of issues associated with said proof prior to approval of said proof.

(At figure 1 and at page 2 paragraphs 28→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., DTDs 108 are used to validate proper assembly and structure of each document prior to publication. Any document that does not conform to the appropriate DTD is not published and evokes an error message.] Also Reulein further discloses the publishing unit 122 publishes the completed document as a file 124 in a user specified format [PDF or HTML] for publication on one or more output media or as a web viewable file (see Reulein at page 2 para 24.) ["a proof is a static representation of the Active Edition at a point in time, such as typeset pages in a portable format like PDF, an HTML file, etc".- see the current disclosure at page 20 lines 4-5].)

Claim 6,

Reulein teaches the method of claim 5 and further comprises:

reviewing further comprises editing said active edition used to generate said proof so as to generate a new proof for review.

(At figure 4 and at page 4 paragraphs 40→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., an authoring process wherein users (authors) edit existing or create new documents or components through a browser based interface.]"a proof is a static representation of the Active Edition at a point in time, such as typeset pages in a portable format like PDF, an HTML file, etc".- see the current disclosure at page 20 lines 4-5].)

Claim 7,

Reulein teaches the method of claim 5 and further comprises:

generating a number of issues associated with said proof, wherein a user has to address said number of issues before said proof is published.

(At figure 1 and at page 2 paragraphs 28→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., DTDs 108 are used to validate proper assembly and structure of each document prior to publication. Any document that does not conform to the appropriate DTD is not published and evokes an error message.] Also Reulein further discloses the publishing unit 122 publishes the completed document as a file 124 in a user specified format [PDF or HTML] for publication on one or more output media or as a web viewable file (see Reulein at page 2 para 24.) ["a proof is a static representation of the Active Edition at a point in time, such as typeset pages in a portable format like PDF, an HTML file, etc".- see the current disclosure at page 20 lines 4-5].)

Claim 10,

Reulein teaches the method of claim 8 and further comprises:

wherein said number of versions are customized for specific locations.

(At page 3 paragraph 30→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., the audit unit 116 tracks XML components to provide a full audit trail for each component. The audit trail among other things and contains a list of prior versions for each component accompanied by the name of each user making corresponding edits and date information, e.g., the time/date of each edit. Also, the reporting unit 116 reports user productivity capabilities, as well as document ordering and other selected information (customized for specific locations)].)

Claim 11,

Reulein teaches the method of claim 8 and further comprises:

wherein said components are shared by a plurality of documents.

(At Reulein further discloses the document components are stored in the repository 106 for document assembly. Also, using the system user interface, an author can recall and re-edit a previously stored document components and creating one or more documents (see Reulein at page 3 paragraph 33).)

Claim 12,

Reulein teaches the method of claim 8 and further comprises:

wherein said components are enabled to be edited by a user and said user, through the use of a user interface, can apply the edited components to said document, all future documents, all archived documents, or all documents.

(At Reulein further discloses the document components are stored in the repository 106 for document assembly. Also, using the system user interface, an author can recall and re-edit a previously stored document components and creating one or more documents (see Reulein at page 3 paragraph 33).)

Claim 13,

Reulein teaches the method of claim 12 and further comprises:

wherein an audit trail of all edits made to said components are stored.

(At page 3 paragraph 30→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., the audit unit 116 tracks XML components by an audit trail.] Also, using the system user interface, an author can recall and re-edit a previously stored document components and creating one or more documents (see Reulein at page 3 paragraph 33).)

Claim 18,

Reulein teaches the method of claim 17 and further comprises:

wherein said virtual structured document can not be approved for publication unless said required elements are in said virtual structured document.

(At figure 1 and at page 2 paragraphs 27-28→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., word document being converted into XML components and documents[virtual structured document- see current disclosure at page 2 lines 8-10] back and forth between XML and word processor format. When an author selects text, the DTDs 108 are used to validate proper assembly and structure of each document prior to publication. Any document that does not conform to the appropriate DTD is not published and evokes an error message.]).

Claim 19,

Reulein teaches the method of claim 17 and further comprises:

wherein the system identifies the candidate components for use in said virtual structured document based on at least one of context rules, deployment specific data, deployment specific business processes, or component properties.

(At figure 1 and at page 2 paragraphs 23→ Reulein discloses this limitation, as clearly indicated in the cited text ion, [e.g., published documents and XML document components are stored in one or more repositories 106 [content library] for subsequent

retrieval. A rules configuration unit 118 builds rules blocks which contain the instructions necessary to assemble and customize document components into a complete XML document [context rules].

Claims 14-16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Ferrel et al.**, (US006584480B1- filed 02/28/2003) [hereinafter "Ferrel"].

Regarding independent claim 14, Ferrel teaches:

A structure bar describing a conceptual and organizational structure of a document; said structure bar comprising: a container representing a section of said document;

(At figure 7 and at column 17 line 50 through column 18 line 15 → Ferrel discloses this limitation, as clearly indicated in the cited text ion, [e.g., An approximately left one-third of screen 400 is a display area 402, also known as a left pane [a structure bar] that shows the hierarchy of containers of one project for a publisher and allows the user to navigate through it (e.g. organizational structure of a document). The left pane shows only containers (folders, titles, and sections [conceptual, such as news, sport ...]).

a component associated with an element in said document in said container; a number of handles, each handle associated with a single container or component, said handle is used to manipulate said container component.

(At figure 7 and at column 17 line 50 through column 18 line 15 → Ferrel discloses this limitation, as clearly indicated in the cited text ion, [e.g., An approximately left one-third of screen 400 [editor window] is a display area 402, also known as a left pane [a structure bar] that shows the hierarchy of containers of one project for a publisher and allows the user to navigate through it (e.g. organizational structure of a document). The left pane shows only containers (folders, titles, and sections [conceptual, such as news, sport ...]). Also the left pane shows only containers (folders, titles, and sections). An approximately right two-thirds of the window 400 is a right pane 404 that shows the contents of a container selected in the area 402 by the user of the project editor [a number of handles, each handle associated with a single container or component, said handle is used to manipulate said container component].)

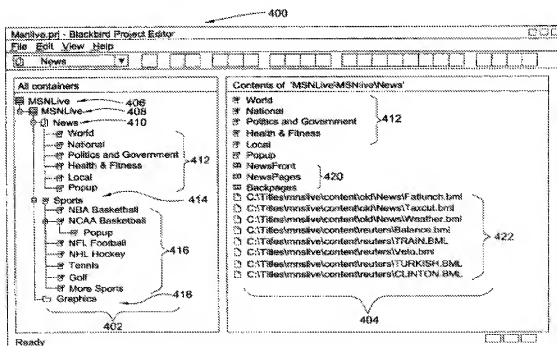


FIG. 7

Claim 15,

Ferrel teaches the method of claim 14 and further comprises:

a hybrid tree diagram wherein the user may navigate said document being edited.

(At figure 7 and at column 17 line 50 through column 18 line 15 → Ferrel discloses this limitation, as clearly indicated in the cited text ion, [e.g., An approximately left one-third of screen 400 is a display area 402, also known as a left pane [a structure bar] that shows the hierarchy of containers of one project for a publisher and allows the user to navigate through it (e.g. a hybrid tree). The left pane shows only containers (folders, titles, and sections [conceptual, such as news, sport ...].

Claim 16,

Ferrel teaches the method of claim 14 and further comprises:

wherein said structure bar enforces document structure roles and markup syntax.

(At figure 7 and at column 17 line 50 through column 18 line 15 → Ferrel discloses this limitation, as clearly indicated in the cited text ion, [e.g., the hierarchy of containers allows the user to navigate through it (e.g. a hybrid tree)]. Also Ferrel further discloses Multimedia Document Format (MDF) file is an OLE storage wherein one storage object holds text of the content in a Multimedia Publishing Markup Language [markup syntax]-see the Abstract of Ferrel).

Claims Rejection – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Reulein et al., (US 20040205656A1- filed 01/30/2002) [hereinafter "Reulein"], in view of

Ferrel et al. (US005907837A - filed 11/17/1995) [hereinafter "Ferrel '837"],

Claim 9,

Reulein does not expressly teach, but Ferrel '837 teaches:

wherein said number of versions are foreign language translations of the components with which said number of versions is associated number of versions are foreign language translations of the components with which said number of versions is associated.

(At column 8 lines 1-20→ Ferrel'837 discloses different versions and context variants of the same file may exist within the same collection or logical object. The new document is derived from the original document through changing its content as a new revision of the original. For example a new version can be created in foreign languages (French, German and so on...))

Accordingly, It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Reulein's publishing documents and XML document components to include a means of said the number of versions are foreign language translations of the components with which said number of versions is associated number of versions are foreign language translations of the components with which said number of versions is associated as taught by Hershenson; because they are both from the analogous art of markup document publishing system. Therefore, the artisan would have well appreciated that Ferrel relates to general method of publishing documents and XML document components of Reulein. This is done in an iterative manner that allows different versions and context variants of the same file may exist within the same collection or logical object. The new document is derived from the original document through changing its content as a new revision of the original. For example a new version can be created in foreign languages (French, German and so on.) This is generally set forth at column 8 lines 1-20 of Ferrel.

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quoc A. Tran whose telephone number is 571-272-8664. The examiner can normally be reached on Mon through Fri 8AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571)272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Quoc A. Tran/
Examiner, Art Unit 2176

/DOUG HUTTON/
Supervisory Patent Examiner, Art Unit 2176